

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GREGORY JOHNSON,

Petitioner,

File No. 1:06-CV-855

v.

HON. ROBERT HOLMES BELL

CINDI S. CURTIN,

Respondent.

MEMORANDUM OPINION & ORDER

Before the Court are two motions filed by Petitioner Gregory Johnson that seek the following: recusal of the Magistrate Judge in this matter on the basis of prejudice or bias; an evidentiary hearing and “speedy” relief on his § 2254 motion; and certain documents from the Court, including a warrant and a state-court docket sheet. (Dkt. Nos. 103, 104.)

The only basis for recusal appears to be Petitioner’s disagreement with the Magistrate Judge’s rulings on his other motions in this matter. As the Supreme Court has made clear:

[J]udicial rulings alone almost never constitute a valid basis for a bias or partiality motion. . . . [They] can only in the rarest circumstances evidence the degree of favoritism or antagonism required . . . when no extrajudicial source is involved. Almost invariably, they are proper grounds for appeal, not for recusal.

Liteky v. United States, 510 U.S. 540, 555 (1994). Accordingly, Petitioner’s legal objections to the Magistrate Judge’s opinions and orders are not sufficient to warrant recusal.

As to Petitioner’s request for “speedy” relief, the Court construes it as a request for

expedited consideration of his § 2254 habeas petition. The Court will deny this request because Petitioner has not shown that his petition is entitled to special or expedited consideration as compared to other pending matters. The Court notes that the Magistrate Judge has already denied a similar request for the same reasons. (Dkt. No. 99.)

Petitioner also requests that the Court send Petitioner the copy of a warrant and a state-court docket sheet. However, Petitioner provides no procedural basis for this request. The Court is not required to gather Petitioner's evidence.

Finally, the Court will deny Petitioner's request for an evidentiary hearing for the same reasons that the Magistrate Judge denied such a request. (*See* Dkt. No. 100, 03/24/2009 Order Den. Petitioner's Mot. for an Evidentiary Hr'g.) For the same reasons stated in that order, Petitioner has not shown that a hearing is warranted.

Accordingly,

IT IS HEREBY ORDERED that Petitioner Gregory Johnson's motions for recusal of the Magistrate Judge, for expedited consideration, for copies of documents, and for an evidentiary hearing (Dkt. Nos. 103, 104) are **DENIED**.

Dated: December 9, 2009

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
UNITED STATES DISTRICT JUDGE